

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

EIGHT MILE STYLE, LLC; MARTIN
AFFILIATED, LLC,
Plaintiffs,

v.
SPOTIFY USA INC.; HARRY FOX
AGENCY, LLC,
Defendants.

Civil Case No. 3:19-CV-00736
Hon. Aleta A. Trauger
Magistrate Judge Jeffery S. Frensley
JURY DEMAND

SPOTIFY USA INC.,

Third-Party Plaintiff,

v.

KOBALT MUSIC PUBLISHING
AMERICA, INC.,

Third-Party Defendant.

**SPOTIFY USA INC.'S MOTION TO EXCLUDE THE REPORTS AND TESTIMONY OF
PLAINTIFFS' EXPERT DREW JESSEL**

Pursuant to Federal Rule of Evidence 702, Spotify USA Inc. ("Spotify") moves to exclude the reports and testimony of Plaintiffs' proposed expert Drew Jessel. As set forth in the accompanying memorandum and supporting exhibits, Jessel's reports and testimony in this action are inadmissible for a number of reasons. Jessel employed a methodology that is not reliable. He failed to reliably apply his methodology to the facts of this case. And his opinions are not based on sufficient facts or data. As such, Jessel's reports and testimony are inadmissible under Federal Rule of Evidence 702.

WHEREFORE, Spotify respectfully requests that the Court preclude Jessel from offering any opinion testimony in this case.

Pursuant to Local Rule 7.01, Spotify's counsel conferred with Plaintiffs' counsel regarding the relief sought in this motion. Plaintiffs oppose the motion.

Dated: January 8, 2024

Respectfully submitted,

By: /s/ Aubrey B. Harwell III

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on January 8, 2024 with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all parties and counsel of record by operation of the Court's CM/ECF system. Parties may access this filing through the Court's electronic filing system.

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